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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,079	11/30/2000	Thomas D. Erickson	YOR9-2000-0606US1(8728-42	2779

7590 04/20/2004
Frank Chau, Esq.
F. Chau & Associates, LLP
Suite 501
1900 Hempstead Turnpike
East Meadow, NY 11554

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,079

Applicant(s)

ERICKSON ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al., US pat. No.6,564,261.

As to claim 1, Gudjonsson discloses a method of providing an electronic environment for facilitating user (7 fig.6) interaction with a business comprising the steps of: displaying an abstract graphical proxy for the environment (using an inter-cluster service that acts as a proxy between services in different clusters in fig.6, see abstract, fig.6, col.11 lines 5-42), displaying an abstract graphical proxy for at least one consumer within the environment (online shopping

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network) and providing the consumer with interactive business facilities (see col.11 line 44 to col.12 line 54 and col.13 lines 5-59).

As to claims 2 and 3, Gudjonsson discloses the environment is a marketplace structured by the business and includes a chat application (chat sessions) (see figs.9, 10, col.13 line 4 to col.14 line 46).

As to claims 4-6, Gudjonsson discloses that the chat application includes one of private chat and public chat, interactive applets and each consumer proxy is individualized according to consumer input. (see figs.9, 10, col.13 line 4 to col.14 line 46 and col.16 line 7 to col.17 line 47).

As to claim 7, Gudjonsson discloses each consumer proxy is individualized according to consumer activity (see fig.11, col.15 line 13 to col.16 line 47).

As to claim 8, Gudjonsson discloses a method comprising the steps of: representing a social proxy in an abstract graphical display of a marketplace for facilitating consumer interaction (using a inter-cluster service that acts as a proxy between services in different clusters in fig.6, see abstract, fig.6, col.11 lines 5-42), defining a consumer proxy of a consumer (online shopping network), the consumer proxy having updatable variables (each service can define its own billing policy, see col.11 lines 5-19), displaying the consumer proxy within the abstract graphical display of the marketplace and updating the consumer proxy variables periodically (see col.11

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line 44 to col.12 line 54, col.13 lines 5-59 and col.26 lines 40-58).

As to claims 9-10, Gudjonsson discloses the social proxy is defined by a provider and extensible (distinct networks are possible operated by different service providers, see fig.13, col.1 lines 40-59 and col.17 line 1 to col.18 line 48).

As to claims 11-13, Gudjonsson discloses that the social proxy (1 fig.6) is used interactively by the consumer with an application (chat session), wherein the application is an extension of the social proxy, displaying a link to a second social proxy (other 1 fig.6, see col.11 line 20 to col.12 line 53 and col.15 line 13 to col.16 line 67) and one of a plurality of social proxies within a hierarchical system of proxies (see fig.11, col.15 line 13 to col.16 line 67 and col.25 lines 6-63).

As to claim 14, Gudjonsson discloses limiting data displayed based on a consumer's access credentials (user profile information, see col.27 line 5 to col.28 line 64).

As to claim 16, Gudjonsson discloses the abstract graphical display of the marketplace is a line including at least two consumer proxies (Intra-cluster servers (ICS) 23 include lots of generic proxies 55 of fig.13) the line indicating the consumer proxies priority with respect to a service provided by a business (see fig.13, col.17 line 1 to col.18 line 50 and col.25 lines 6-42).

As to claim 17, Gudjonsson discloses defining a business proxy of a business (online shopping network), the business proxy having updatable variables (each service can define its own billing

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policy, see col.11 lines 5-19), displaying the business proxy within the abstract graphical display of the marketplace and updating the business proxy variables periodically (see col.11 line 44 to col.12 line 54, col.13 lines 5-59 and col.26 lines 40-58).

As to claim 18, Gudjonsson discloses the business proxy interacts with the consumer proxy (see fig.11, col.15 line 13 to col.16 line 47).

Claims 19-23 are rejected for the same reasons set forth in claims 1, 2, 10, 6 and 7 respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al., US pat. No.6,564,261 in view of Fisher et al., US pat. No.5,835,896.

Gudjonsson's teaching still applied as in item 3 above. Gudjonsson further disclose an abstract graphical display with a proxy including concentric circles and indicating user interest (user profile) in a business environment (shopping network) [Intra-cluster servers (ICS) 23 include lots of generic proxies 55 of fig.13] (see fig.13, col.17 line 1 to col.18 line 50 and col.25 lines 6-42).

Gudjonsson does not specifically apply those teachings in an online auction with bidding activity. However, Fisher discloses in an online auction with bidding activities (online auction with multi bidders' interactions, see figs.1, 2, col.6 line 3 to col.7 line 40). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fisher's auction bidding into the computer system of Gudjonsson to provide an electronic auction because it would have reached a geographically diverse audience and decreased the cost associated with running an auction in a communications network (see Fisher's col.5 lines 7-27).

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Masters, US pat. No.6,374,300.
- b. Masters, US pat. No.6,473,802.
- c. Wong et al, US pat. No.6,708,172.
- d. Linton, US pat. No.6,496,681.

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Conclusion


7. Claims 1-23 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.


FRANTZ B. JEAN
PRIMARY EXAMINER

Khanh Dinh
Patent Examiner
Art Unit 2151
4/14/2004